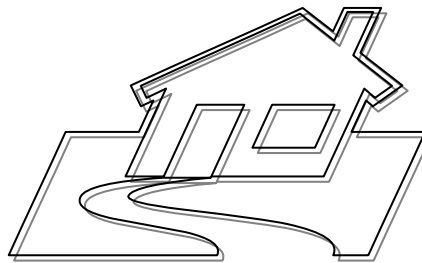




## **INFILL HOUSING PROGRAM GUIDELINES**



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## I. PURPOSE

1. The purpose of the Infill Housing Initiative is to increase the availability of affordable homes for low and moderate income persons; maintain a stock of affordable housing; redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties; equitably distribute homeownership opportunities within the Infill Target Areas; and generate payment of ad valorem taxes. The Infill Housing Initiative provides incentives to encourage developers to build affordable housing within the Infill Target Areas. These incentives include free land for qualified developers, forgiveness of County liens and citations on private lots, deferral and/or refund of impact fees and funding assistance in the form of second mortgages for qualified buyers. Although the Infill Housing Initiative is primarily designed to create affordable homeownership of single family homes, the County under limited circumstances may at its sole discretion permit developers to rent these homes to qualified low or moderate income families for up to two (2) years.
2. The Infill Housing Initiative is for new construction and substantial rehabilitation/improvement of single family homes, (as applicable). The County will at its sole discretion, determine applicability of properties to the Infill Program.
3. The procedures established to carry out the goals of the Infill Housing Initiative are referred to as the Infill Housing Program and as of November 1, 2011, are administered by the Public Housing and Community Development (PHCD).

## II. DEFINITIONS

**Affordable:** Where the mortgage payment, including taxes and insurance, does not exceed 30 percent of the amount which represents the percentage of the median annual gross income for low and moderate income households. However, it is not the intent to limit an individual household's ability to devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark.

**Certificate of Qualification:** A certificate issued by the Public Housing and Community Development (PHCD) or any other County or non-County agency that has been authorized by PHCD to qualify households. Certificates of Qualification shall be valid for 12 months.

**Compliance Certificate:** A certificate issued by PHCD stating that the proposed conveyance; sale or transfer of the Property to the selected

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purchaser is in compliance with the rights, restrictions, covenants and agreements contained in the Affordable Housing Restrictive Covenant running with the land.

**Control Period:** The 20-year period during which the eligible home shall remain affordable. The control period begins on the initial sale date of the eligible home and resets automatically every 20 years for a maximum of 60 years, except that in the event the home is owned by the same owner for an entire 20-year period, said home shall be released from the affordability restrictions.

**County Property:** Property that is owned by Miami-Dade County which is made available to qualified developers for the development of affordable housing.

**Dwelling Unit:** A unit, whether detached or attached to another such unit, that houses a single family and that can be sold in fee simple ownership.

**Eligible Housing or Eligible Home:** Any dwelling unit that is: (i) located on an infill parcel; (ii) constructed in accordance with these guidelines and other applicable requirements; and (iii) used as the primary residence of a qualified household.

**Eligible Person or Eligible Household:** One or more natural persons or a family that has not owned or had an interest in a home during the previous three years and that has been determined by the County to meet the eligibility requirement of a low income or moderate income household according to the income limits adjusted to family size published annually by the United States Department of Housing and Urban Development based upon the annual gross income of the household. The terms Eligible Person or Eligible Household shall also include one or more natural persons or a family who participates in one of the County's and other municipalities' affordable rental programs, including but not limited to the Section 8 Housing Choice Voucher or the Miami-Dade Homeless Trust Continuum of Care's Household Exiting Emergency Shelter, Transitional Housing and Domestic Violence programs and who has been determined by the County to meet the eligibility requirements of a low or moderate income household according to the income limits adjusted to family size published annually by the United States Department of Housing and Urban Development based upon the annual gross income of the household.

**Impact Fees:** Fees for Road, Fire and Emergency Services, Parks, and Police that are paid as pre-development costs to help fund the additional expenses required for services for new development.

**Infill Parcel:** A parcel of land that is located within the Infill Target Areas and is suitable for residential development of four (4) dwelling units or less.

**Infill Target Areas:** The areas of the County designated as the Urban Infill Target Area (UIA), as defined in Section 33G-3(26) of the Code, and the Targeted Urban Areas (TUA), as defined in Section 30A-129(2) of the Code. In addition, Infill Target Areas shall include those portions of Neighborhood Revitalization Strategy Areas not otherwise covered under the UIA and TUA and any geographic locations in Miami-Dade County which are designated by the Federal Government as empowerment zones shall be included in the definition of TUA at the time of such designation.

**Liens:** Encumbrances placed on property by the County or other municipality for failing to maintain property or pay for services rendered, i.e. lot clearing, trash pick up, demolition of unsafe structure, etc.

**Low Income Household:** Those households whose total annual adjusted gross income is 80% percent or less than the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within Miami-Dade County, whichever is greater as defined by US HUD.

**Moderate Income Household:** Those households whose total annual adjusted gross income is greater than 80% and less than 140% percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within Miami-Dade County, whichever is greater as defined by US HUD.

**Private Property:** Property that is not owned by Miami-Dade County.

**Qualified Developer:** Any person, firm, corporation, partnership, limited liability company, association, joint venture, community based organization, not-for-profit agency, or any entity or combination of entities, excluding any governmental entity, that has been qualified by the County as having the requisite experience and capacity to build affordable housing through the Infill Housing Program. For these purposes, a community-based organization shall have among its purposes the provision of affordable housing to persons who have special needs or have low income, or moderate income within a designated area, which may include a municipality or more than one municipality or the County, and maintains, through a minimum of one-third representation on the organization's governing board, accountability to housing program beneficiaries and residents of the designated area.

**Substantial Rehabilitation/Improvement:** Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the one year period begins on the date of the first improvement or repair, as determined by the County's Building Official. For applicability in the Infill

Housing Program refer to Infill Housing Program Guidelines Section IV Section 7.

**Urban Infill Target Area (UIA):** The area of Miami-Dade County located east of, and including Northwest and Southwest 77 Avenue (and its theoretical extensions) including the Palmetto Expressway (SR 826), north of and including SW 232 Street.

### III. COUNTY SUBSIDY PROGRAMS

#### 1. Homebuyer Assistance

The County offers financial assistance to eligible low and moderate income homebuyers through various County Programs including, but not limited to the following:

##### A. Public Housing and Community Development (PHCD):

PHCD manages a variety of affordable housing programs funded and regulated at the local, state, and federal levels. The purpose of these programs is primarily to provide low and moderate income County residents with affordable, sanitary, safe, and decent housing. For more information, visit PHCD's website at <http://www.miamidade.gov/housing>.

**B. Housing Finance Authority (HFA)** provides low-interest rate mortgages and financial assistance to first-time low and moderate income homebuyers. In coordination with its non-profit partner, Miami Dade Affordable Housing Foundation, Inc., the HFA also provides homebuyer education and certification. For more information on programs offered by HFA visit their website at <http://www.miamidade.gov/hfa>

#### 2. Developer Assistance/Incentives

**A. Building Permit Expedite Process:** Homes being developed in the Unincorporated Municipal Service Area (UMSA) through the County's Infill Housing Program qualify for the Regulatory and Economic Resources Department expedited permit process. PHCD provides developers a letter indicating that the lot is being developed through the Infill Housing Program. That letter shall be presented by the developer to the Regulatory and Economic Resources Department when applying for a building permit in order to qualify for the expedite process.

**B. Release of Liens:** See Section XIII

**C. Refund of Impact Fees:** See Section XIV

## **IV. MINIMUM ARCHITECTURAL AND SPACE REQUIREMENTS**

### **1. Submittal**

- A. Any units constructed through the Infill Housing Program shall comply with the space requirements and standards contained in this section.
- B. Construction shall be restricted to code-approved site-built homes; no modular, manufactured, or prefabricated homes designs will be approved. Building design shall provide for safe, secure, healthful, and attractive living facility and environmentally suited to the social, economic, and recreational needs of resident families and individuals. It shall provide for ease of circulation and housekeeping; visual and auditory privacy; comply with all building code requirements including light, ventilation, fire and accident protection; and use of space; and sanitation facilities.

### **2. Applicable State, Federal and Local Requirements and Codes**

- A. Infill Housing Program standards are not intended to serve as a building codes. Such codes are primarily concerned with health, safety and welfare. Where the Florida Building Code, local, state or federal regulations require lower standards, the Infill Housing standards as specified herein shall apply.
- B. Infill Housing Program Guidelines shall not be construed as relieving the developer and/or its consultants, contractors and/or any other vendors of their responsibility for compliance with all applicable State, Federal and Local requirements and codes.
- C. PHCD does not assume responsibility for determining compliance of applicable State, Federal and Local requirements and codes or interpretations regarding their application in any specific instance. The developer shall be responsible for obtaining all applicable building permits and inspections leading to obtaining a certificate of occupancy and final inspections from the proper building and zoning departments. These approvals will be a prerequisite to close on any home built through the Infill Housing Program.

### **3. Site Requirements**



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- A. Landscaping shall include solid sod at all non-paved areas and shrubs and trees as required by the local building departments.
- B. The Site plan shall indicate all required parking in conformance with the applicable zoning code. Driveway approaches and parking pads are to be asphalted. Concrete driveways and parking pads are encouraged.
- C. Single-family homes with enclosed carports or garages are encouraged.
- D. Landscaping, including tree removals and replacements, shall conform to all applicable codes.
- E. Developer shall provide the necessary site development improvements including street signs, sidewalks, curb cuts and all required utilities services to the unit(s) including water and sanitary sewer.
- F. Developer shall be required to provide landfill and grading as necessary to meet all applicable requirements on floor elevations and drainage.
- G. All utility companies and agencies requirements (i.e., electrical, gas, water and sewer, Public Works and Waste Management, PERA, telephone, fire departments, post office, etc.) shall be met.
- H. All main entrance doors shall have concrete stoops of 4' x 4' minimum dimensions or to extend a minimum of 6" beyond width of door on each side. Secondary exterior doors shall also have concrete stoops of 3' x 3' minimum dimension or to extend a minimum of 6" beyond width of door on each side.

### 4. Minimum Net Space Requirements

#### A. Living / Sleeping Space Requirements by Unit Size (Square Feet)

	1-BR UNIT	2-BR UNIT	3-BR UNIT	4-BR UNIT	*MINIMUM DIMENSIONS
Living Room	160	160	170	180	11'-6"
Dining Room	100	100	110	120	8'-6"
Kitchen	60	70	80	90	7'-0"
Living/Dining	210	210	230	250	12'-0"
Kitchen/Dining	120	130	140	160	10'-0"
Bedroom #1 (Master)	125	125	125	125	10'-0"
Bedroom #2	--	100	100	100	10'-0"
Bedroom #3	--	--	100	100	10'-0"

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Bedroom #4	--	--	--	100	10'-0"
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\* Does not apply to multifamily new construction.

**B. Bedroom Closet Dimensions (feet)**

Bedroom Closets	Minimum Dimensions
Bedroom #1 (Master)	2'-0" x 6'-0"
Bedroom #2 thru #4	2'-0" x 4'-0"

**C. Linen Storage shall be provided as follows:**

- 1) Minimum shelf area: 10 sq. ft. for 1 and 2 bedroom units;
- 2) 15 sq. ft. for three or more bedroom units.
- 3) Spacing of movable shelving: not less than 12 in. other closets.
- 4) Location as close as possible to bathrooms.

**D. General Storage**

- 1) Usable general storage space shall be provided for the storage of items and equipment essential to the use of the occupants. Laundry connections may be placed in this space. This storage shall be in addition to required bedroom and linen closets and kitchen storage. The minimum total square footage of general storage for each living unit shall conform to either column 1 or column 2 of the following chart.

2) General Storage Requirements (Square Feet)

	Column 1 (1)	Column 2 (2)
1 BR Unit	17	34
2 BR Unit	17	34
3 BR Unit	22	50
4 BR Unit	22	50

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Note: Column (1) This storage shall be located entirely within living unit.

Column (2) At least one half of this storage shall be located within the living unit.

- 3) Attic space, if provided, may only count as 20% of this storage requirement. Appropriate access panel is to be provided. Boards or plywood panels shall be nailed to roof trusses all around the opening inside the attic space to minimum width of 2'-6", to facilitate the storage surface to the owner. Minimum height available around opening inside attic space shall be 4'-0".

### **E. Bathrooms**

- 1) Units having one or two bedrooms shall be furnished with a bathtub.
- 2) Units having 3, 4, or more bedrooms should have at least two full baths, with a minimum of one bathroom containing a bathtub.
- 3) Split level units with the bedrooms on the upper level will require a half bath on the lower level, in addition to other bathroom requirements. If a bedroom is on the ground floor, a full bathroom is required.
- 4) Bathrooms shall be provided with the following accessories:
- 5) Securely mounted soap dish and towel bar with holders at tub and shower.
- 6) Shower curtain rod at tub. Enclosure at shower.
- 7) Soap dish at lavatory (soap dishes may be integral with the fixture).
- 8) Toothbrush holder at lavatory.
- 9) Toilet paper holder accessible from water closet.
- 10) Medicine cabinet with mirror. (Fixed wall mounted mirror in addition is optional).
- 11) Two towel bars with holders, outside tub and shower. Each half bath shall be provided with above items 3, 4, 5, and 6. Shower stalls shall have a minimum area of at least 3' x 3'. Ceramic or vinyl tile floors shall be provided. Walls around showers or tub-showers shall be a full ceiling height from the tub or bottom of the shower.

Lighting and ventilation to comply with current building code requirements.

### **F. Kitchen**

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### 1) Kitchen Minimum Space Requirements (square feet)

	1 BR UNIT	2 BR UNIT	3 BR UNIT	4 BR UNIT
Wall and Base Cabinets	30	35	40	45
Drawer	5	6	7	8

\* Usable storage drawer in cooking range or under sink may be counted in the total spacing needed.

Pantry Closets: Same requirements as linen closet. However, shall have a minimum of six shelves.

### 2) Kitchen Appliances and Equipment Requirement

- Refrigerator with a minimum size of 18 cubic feet.
- Range with a minimum width of 30 inches
- Stainless steel double sink for each unit.
- Re-circulating range hood fan with light in naturally ventilated kitchens.
- Exterior vented range hood exhaust fan with light in other kitchens.

## G. Other Requirements

- Smoke Detector - As per the FBC.
- Exterior door viewer/knocker (Door bell is optional).
- Water heater drain pans if located on the 2nd floor.
- Energy conservation measures to comply with state energy code.
- HVAC - provide energy efficiency rating as per the SFBC.
- Units shall meet present fire exit code requirements dealing with minimum window dimensions and height.
- Main pedestrian entrance shall have a minimum 4'-0" roof overhang.
- Secondary pedestrian entrances shall have a minimum 3'-0" roof overhang.
- Evidence of building and zoning final inspection and/or C.O.
- 100% building warranty by developer from date of closing, as per state or county law whichever is more stringent.
- Roofs for one (1) and two (2) story buildings shall be (a) in compliance with the Florida Building Code (FBC) and (b) conform to the surrounding neighborhood. Class "A" fire rated SFBC covering if required. Aesthetically, variations of exterior elevations will be considered favorably.

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- 12) Provide to buyer at closing copy of Roof Warranty: A manufacturer's Labor and Material 15-year warranty and a minimum 5-year Workmanship Warrantee.

### **5. Optional Provisions**

- A. These items if provided will be only considered favorable for the proposed project but are not required.
  - 1) Extended Homebuyer's Warranty Policy.
  - 2) Window in master bathroom.
  - 3) Bathroom vanity cabinet.
  - 4) Window in kitchen.
  - 5) Kitchen cabinet space exceeded by at least 20%.

### **6. Duplexes, Triplexes and Fourplexes**

- A. Only side by side design will be approved.
- B. Each unit shall be constructed with separate water meters, FPL meters, and sewer connections.
- C. Fireproof party walls that go all the way to the roof shall be constructed between each unit in accordance with Florida Building Code.
- D. The Developer shall submit recorded condominium documents to homebuyers at the time of executing a sales agreement. Copies of same shall be provided to the Infill Housing Program staff.
- E. Condominium documents shall contain a party wall agreement, lot and common area maintenance clauses and the collection of fee clauses for maintenance, reserves and special assessments.
- F. The construction plans shall show a minimum of two (2) exterior doors per unit.
- G. The developer shall provide a survey with separate legal descriptions for each unit.

### **7. Substantial Rehabilitation/Improvement Projects**

- A. All work under this section requires that the finished home will be repaired/renovated to a like new condition and appearance. New components shall be provided as indicated below. All work

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shall meet all applicable State, Federal and Local requirements and codes. The work shall include:

- 1) Replacement or repairing of exterior finishes, including painting.
- 2) Replacement of all doors and windows.
- 3) Replacement of all roof components for a watertight assembly of roof, including replacing deteriorated, weakened, or rotten truss systems or roof decks, replacement of roof felts, shingles/tile, roof vents, and chimney flashings, etc. Replacement of rain gutters, fascia, and soffits.
- 4) Exterior and interior caulking, sealants, insulation and weather proofing.
- 5) Replacement of existing plumbing lines (water and sewer/septic tank).
- 6) Replacement of existing electrical wiring to meet code requirements (including the electrical panel, light switches, receptacles, and lighting fixtures).
- 7) Replacement of bathroom cabinets and fixtures.
- 8) Replacement of kitchen cabinets and fixtures.
- 9) Repair or replacement of steps, porches and decks.
- 10) New energy star appliances including but not limited to, hot water heater, washer and dryer, refrigerator, stove, and dishwasher. Replacement of H/A/C system including vents, and grills,
- 11) Repair/patch all interior walls, as required including painting.
- 12) Repair or replacement of damaged, or missing, plaster/drywall, caulking etc. Replacement of Chinese drywall.
- 13) Replacement or repair sub-flooring as required, replace all finished flooring throughout home with ceramic tile, carpeting, wood or simulated wood, as applicable.
- 14) Provide new landscaping. Landscaping shall meet all applicable State, Federal and Local requirements and codes as required for new construction. Overgrown trees and vegetation shall be pruned/cut back and trees may not overhang any roof lines.
- 15) Driveways, exterior walkways, trash receptacle areas and exterior buildings shall be repaired or replaced to like new condition.

The developer shall warrantee all house systems for one year, 5 years on roof (labor) and 10 years on manufacturer's roofing materials. The developer shall provide manufacturer's warrantees to homebuyer at closing for all the appliances and roof.

**B. Health and Safety Issues**

- 1) Provide mold and mildew mediation, if required. Provide test results for mold and mildew from certified mold testing company certifying that the property is free from mold and mildew.
- 2) Provide termite and wood destroying remediation, if required. Provide test results for termite and other wood destroying organisms from a certified testing company certifying that the property is free from all forms of termite and other wood boring organisms and other infestations.

**C. Exclusions**

- 1) Substantial Rehabilitation/Improvement projects do not include the construction of new building additions.

**V. PROCESS TO DEVELOP COUNTY-OWNED LOTS**

**1. Selecting Qualified Developers (Developer Pool Developers)**

County-owned lots that are offered to the Infill Housing Developer Pool for development, at no cost, other than a closing processing fee (See Section XVIII). The Infill Housing Developer Pool (developer pool) is selected through a Request for Qualifications (RFQ) process. Qualified Developers are selected based on the following criteria:

- a) Proposers or Developer's past performance and experience building housing.
- b) Proposer's or Developer's past performance on similar housing projects.
- c) Proposer's or Developer's financial capacity to build the homes.
- d) Proposer's or Developer's approach to meeting time schedules and budgets.
- e) Proposers or Developer's marketing skills and ability to reach eligible households.
- f) Proposer's or Developer's satisfactory performance on other County awards (current and past), compliance of County policy and procedures, complies with applicable County Deed Restrictions, pays County real estate taxes, code compliance liens and other County fees when due.

**2. Awarding County Lots**

- A. County lots are made available to the pool of qualified developers through a Work Order Proposal Request (WOPR). The WOPR specifies the lots that are being made available as well as the targeted

income level of the buyer. Only developers in the developer pool are eligible to respond to the WOPR. Award of the lots will take into account the following criteria:

- a) **Architectural Design:** The developer shall provide two sets of plans for each model being proposed consisting of a site plan, floor plan, front, side and rear elevations. All homes shall comply with the Minimum Architectural and Space Requirements found in Section IV herein and any and all other applicable requirements and codes. The developer should provide variations in design and building facades; however, the design of the home should be compatible with the character of the neighborhood.
- b) **Home Price:** In no event shall the home exceed the Program's maximum sales price, which is currently **\$175,000** or appraised value, which is lower.

Failure to adhere to the maximum sales price will result in a one-year suspension from the pool for the first incident and removal from the pool after the second incident. Increases may be approved by the Affordable Housing Selection Committee only in **extraordinary** circumstances, i.e. natural disaster or fire which may have caused a delay in the project.

- c) **Application to Release County Liens and Citations:** Prior to the County awarding vacant County lots, the Developer may submit an "Application to Release County Liens and Citations" with copies of the liens and citations. Developers are encouraged to hire a title firm to perform a title records search and submit any irregularities to PHCD i.e. judgments or unsatisfied mortgages to assist in clearing those type of issues, prior to executing a County Deed for the awarded lots. If the County is unable to clear title issues; developers should file quiet title suite.
- d) **County Deed:** The County will transfer title of the lots to the selected developer via a County Deed with the restriction that the property shall be developed with affordable housing in accordance with the Infill Housing Initiative Guidelines. Failure to do so will result in the recapture of the lots and any and all improvements made thereto, without any rights for developer of monetary compensation.

Prior to the County awarding vacant County lots, the Developer shall execute a Quit Claim Deed for all awarded lots to be held in escrow as part of the County reverter in the event the developer fails to perform in accordance to the County Deed that originally conveyed the lots to the developer.



## **VI. PROCESS FOR NOT-FOR-PROFIT DEVELOPERS WHO REQUEST COUNTY LOTS UNDER FLORIDA STATE STATUTE 125.379.**

1. Not-For-Profit developers may request County Infill Lots under Florida State Statute 125.379 during certain times during the year as determined and set by PHCD, at no cost, however there is a closing processing fee (See Section XVIII). The not-for-profit developer will be required to submit documentation as required. Qualified Developers are selected based on the following criteria: *(See Section V, 1.)*
2. **Awarding County Lots**

County lots that are made available to the qualified developers through County Resolution and approval of the Board of County Commissioners. The requested lots may have targeted income level of the buyer. Award of the lots will take into account the following criteria:

  - A. **Architectural Design:** *(See Section V, 2 and 2A).*
  - B. **Home Price:** *(See Section V, 2B).*
  - C. **Application to Release County Liens and Citations:** *(See Section V, 2C).*
  - D. **County Deed:** *(See Section V, 2D).*

## **VII. PROCESS TO DEVELOP PRIVATELY-OWNED LOTS**

1. **Applying to the Program**
  - a) The County may accept private property to owners to develop their properties as infill housing through the release of County liens that predate the private property owner's date of ownership. Private property owners who wish to develop their properties through the Infill Housing Program may do so by filing an "Application for Private Lots" with the Infill Housing Program. Staff will verify that the property is located within the Infill Target Areas boundaries and that it is properly zoned.
2. **Architectural Plans Review**
  - a) The developer shall submit a copy of the site plan, floor plan, and front, side and rear elevation plans of the home along with the "Application for Private Lots". PHCD will review them for general compliance with the Minimum Architectural and Space Requirements.

All awarded lots are subject to all Infill Housing Program Guidelines.

### **VIII. EXTENSION REQUESTS**

1. All homes constructed through PHCD are monitored by PHCD Infill Housing Unit. Extension may be granted by PHCD, under the following circumstances:
  - 1) Requested on proper form, 45 days prior to the expiration period, with complete information, and requested attachments.
  - 2) Regulations change after the developer enters the Program
  - 3) A variance of zoning or Regulatory and Economic Resources Department regulations is required
  - 4) Platting is required
  - 5) Complications with water/sewer /septic tank connections

PHCD Infill Housing Unit is available to assist developers with any problems they may encounter during the construction process. Should the developer encounter problems that may result in a delay in the project, it is essential that they immediately notify PHCD and request an extension, if necessary.

### **IX. BUILDING PERMIT EXPEDITE PROCESS**

1. Building permit applications for homes being built in the Unincorporated Municipal Service Area (UMSA) through the Infill Housing Program qualify for the Regulatory and Economic Resources Department Building Department's expedite process. PHCD provides developers a letter indicating that the lot is being developed through the Infill Housing Program. That letter shall be presented to the Regulatory and Economic Resources Department Building Department when applying for a building permit in order to qualify for the expedite (government) permit plan process.

### **X. QUALIFYING ELIGIBLE HOUSEHOLD/HOMEBUYER**

1. Every dwelling unit created as a result of the Infill Housing Program shall be sold to a qualified household to be used as his or her own primary residence. A household is deemed qualified once the following requirements have been met:

#### **A. Homeownership Counseling**

The eligible household shall complete a homeownership training course through a participating counseling agency that provides financial management, credit counseling and other related technical services to participating families for the purpose of financing a single-family home and has received a certificate verifying that he/she has

successfully completed the course. A list of participating counseling agencies can be found on the County's website at: <http://www.miamidade.gov/housing/homebuy-counsel.asp>

**B. First Time Homebuyer Requirements**

The eligible household shall be a first-time homebuyer. A first-time homebuyer is an individual who meets any one of the following criteria:

- 1) An individual who has had no ownership interest in a principal residence during the 3-year period ending on the date of purchase of the property. This includes a spouse (if either meets the above test, they are considered first-time homebuyers); or
- 2) A displaced spouse from a court documented divorce; or
- 3) An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations.
- 4) Ownership in a "Timeshare Property" is not considered home ownership.

**C. Income Verification**

- 1) Developer shall submit a mortgage commitment letter qualifying the family as a low or moderate income affordable home buyer from PHCD or other non-County lending agency; authorized by the County to qualify households. For a list of participating lending agencies visit the County's website at: [http://www.miamidade.gov/housing/bank\\_partnership.asp](http://www.miamidade.gov/housing/bank_partnership.asp).
- 2) Once documentation has been provided to the Infill Housing Program confirming that all of the aforementioned requirements have been met, the Infill Housing Unit will issue a Certificate of Qualification which states that the buyer meets all of the eligibility requirements of the Infill Housing Program. Certificates of Qualification may also be issued by other non-County agencies that have been authorized by PHCD to qualify buyers. Said certificate shall state that the buyer(s) meets all three requirements.

**XI. SALES PRICE OF AFFORDABLE HOME**

1. The Infill Housing Program sets a maximum sales price for homes built through the Program. Said maximum sales price **may or may not** be the same as the maximum sales price set by County funding programs such as Surtax or SHIP. In the event said maximum sales prices shall

differ, the overriding maximum sales price shall be the maximum sales price allowed by the Infill Housing Program, **which is currently \$175,000 for County lots and \$205,000 for Private lots or appraised value which ever is lower.** Participating developers will be notified of any price adjustments.

## **XII. CLOSING PROCESS**

1. Prior to closing on an eligible home, the developer shall provide copies of following documentation to the Infill Housing Program:
  - A. Certificate of Qualification for the Homebuyer
  - B. HUD Closing Statement
  - C. Recorded “Affordable Housing Restrictive Covenant” executed by buyer.
  - D. Recorded copy of Warranty Deed transferring title from the developer to the buyer. **Said deed shall contain the following language:**

Since this home was developed through Miami-Dade County’s Infill Housing Initiative, governed by Article VII of the Miami-Dade County Code, this home must remain affordable during the “Control Period.” The Control Period commences with the date of this deed and resets automatically every 20 years for a maximum of 60 years. In the event Grantee wishes to sell or refinance the home during the Control Period, Grantee shall obtain prior written approval from the County. Any such sale, transfer or conveyance, shall only be to a “qualified household,” as defined in Section 17-122(n) of the Miami-Dade County Code. However, should Grantee own this home for twenty consecutive years, Grantee shall automatically be released from this restriction.

2. The Infill Housing Program will issue a Compliance Certificate stating that the sale meets the requirements of the Program. Said Certificate shall be recorded in the public records along with the deed and restrictive covenant.

## **XIII. RELEASE OF COUNTY LIENS**

1. County conveyed and privately-owned lots that are accepted into the Program qualify to have County liens and citations released if they existed on the Property prior to the developer’s ownership. County liens and citations will be released once the home has been built, sold to a qualified household and, an Affordable Housing Restrictive Covenant has been recorded on the property and all appropriate documentation has been received.

2. To request the release an “Application to Release Liens and Citations” shall be filled out and submitted to the Infill Housing Program along with the required documentation. The Infill Housing Program will prepare and execute a “Special Release of Lien Relative to the Infill Housing Initiative” and record it once all of the required documentation is received by the PHCD. Failure to receive all of the required documentation within 2 weeks of closing may delay the recording of the Special Release of Lien.

#### **XIV. REIMBURSEMENT OF IMPACT FEES**

##### **1. Refund of Impact fees**

Pursuant to Chapter 33 of the Code of Miami-Dade County, new homes that are sold to a low-income household **(80% or less of area median income)** qualify to have County impact fees for road, fire and emergency services, parks and police services refunded. This includes homes that have been built through the Infill Housing Program and have been sold to a low income household. To request a refund of these fees, the developer shall fill out an “Impact Fee Refund Application” and submit it to PHCD. Once PHCD has verified that all of the Program requirements have been met, the application will be forwarded to the Regulatory and Economic Resources Department Division of Planning and Zoning Impact Fee Section for processing.

#### **XV. RESALE PROCESS**

##### **1. Notice of Sale or Refinance**

- A. When the owner or any successor in title to the owner shall desire to refinance, sell, dispose of or otherwise convey the property, or any portion thereof, the owner shall notify the County in writing of the owner's intent to sell the Property. Said notification is referred to as the “Notice of Sale.” Said notice shall be sent to the PHCD’s Infill Housing Program, 701 NW 1 Court, 16th Floor, Miami FL, 33136. The County shall determine the Maximum Resale Price which the owner may receive for the sale of the property as calculated below.
- B. The County shall have 60-days from receiving the Notice of Sale from the Owner to enter into a Purchase and Sale Agreement at or below the Maximum Resale Price or provide the owner with written notification of County’s intent to waive its right of first refusal.
- C. Should the County not exercise its right of first refusal, the County shall assist the owner in identifying an eligible purchaser ready, willing and able to purchase the property at or below the Maximum Resale Price. The owner shall fully cooperate with the County’s efforts in assisting an owner to identify an eligible purchaser.

## 2. Maximum Resale Price Multiplier Formula

- A. To calculate the resale price multiplier, you divide the original home's purchase price by the current HUD Area Median Income for the Metropolitan Areas in Florida. (Contact PHCD to obtain the current median income.)

**B. Example:**

Original Purchase Price in 2006	\$175,000.00
2006 HUD Area Median Income for Metropolitan Area	\$55,600.00
Resale Price Multiplier (175,000/55,600)	3.147

## 3. Maximum Resale Price Formula:

- A. To calculate the maximum resale price of a home you need to determine what the HUD Area Median Income is when the contract is executed and multiply it by the established resale multiplier (3.147), and then add any approved costs for capital improvements. The following example calculates the resale price of the home used in the resale price multiplier example above in the year 2008.

**B. Example:**

2008 HUD Area Median Income for Metropolitan Area	\$60,000.00
Multiplied by the Resale Price Multiplier	3.147
Net Resale Price in 2008	\$188,849.00
Costs for Capital Improvements	<u>\$10,000.00</u>
<b>Maximum Resale Price</b>	<b>\$198,849.00</b>

## 4. Capital Improvements:

- A. Costs for capital improvements that are eligible for consideration are defined as documented commercially reasonable costs of structural improvements made to the property by the owner which increase the total square footage of the home.

## 5. Closing Process

1. Prior to closing on an eligible home, the Current Owner (Seller) shall provide a copy of following documents to the County:
  - A. Certificate of Qualification for the Homebuyer
  - B. HUD 1Closing Statement

- C. Copy of Warranty Deed transferring title from developer to the eligible buyer. **Said deed shall contain the following language:**

Since this home was developed through Miami-Dade County's Infill Housing Initiative, governed by Article VII of the Miami-Dade County Code, this home must remain affordable during the "Control Period." The Control Period commences with the date of this deed and resets automatically every 20 years for a maximum of 60 years. In the event Grantee wishes to sell or refinance the home during the Control Period, Grantee shall obtain prior written approval from the County. Any such sale, transfer or conveyance, shall only be to a "qualified household," as defined in Section 17-122(n) of the Miami-Dade County Code. However, should Grantee own this home for twenty consecutive years, Grantee shall automatically be released from this restriction.

- D. The County will issue a Compliance Certificate stating that the proposed conveyance, sale or transfer of the property to the selected purchaser is in compliance with the rights, restrictions, covenants and agreements contained in the "Affordable Housing Restrictive Covenant for Homebuyers". Said certificate shall be recorded along with the deed for all subsequent sales.

## **XVI. TEMPORARY RENTAL EXCEPTION**

1. The County in its sole discretion may allow developers to rent eligible homes on a temporary basis if the developer can demonstrate to the County's satisfaction that they have made a good faith effort to sell the eligible home. The term "good faith effort" shall include but is not limited to marketing of the eligible home by listing the home on the multiple listing services for a minimum of three months, placing a "For Sale" sign on the property, and reducing the original asking price by a minimum of 5%. In the event the developer is able to demonstrate that it has used good faith efforts to sell the eligible home and the County permits the rental of said home, the County shall require the developer to rent the eligible home to families who are eligible participants in one of the County's or other local municipality's rental housing assistance programs, including but not limited to; the Section 8 Housing Choice Voucher (HCV) Program administered by the PHCD or the Household Exiting Emergency Shelter, Transitional Housing and Domestic Violence programs administered by the Homeless Trust.
2. Upon the County's approval to rent any eligible home, each developer shall be required to comply with all applicable State, Federal, and local codes. Developers shall also be required to rent the eligible homes for a minimum of one year and will not be permitted to sell said eligible home during the first year it is rented, unless it is sold to the existing tenant renting the home.

## INFILL HOUSING PROGRAM GUIDELINES

3. Failure to obtain such approval will be considered a violation and appropriate enforcement action will be taken. This rental exception will sunset on April 5, 2014.

### **XVII. ENFORCEMENT**

1. Pursuant to Article VII Section 17-128 of the Code of Miami-Dade County which governs the Infill Housing Initiative, violations by all agents, successors and assignees of a qualified household of this article shall be punishable by a civil fine not to exceed ten thousand dollars (\$10,000.00) and shall be punishable by a criminal fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the county court. Any continuing violations may be enjoined and restrained by injunctive order of the circuit court in appropriate proceedings instituted for such purpose.

### **XVIII. PROGRAM FEES**

#### **PROGRAM FEE SCHEDULE: (Effective 4/16/2010)**

Closing Processing Fee:	\$1,000 for each County lot (conveyed after April 16, 2010)
Private Lot Application:	\$100
Temporary Rental Application:	\$100
Private Lot Release of Lien request:	\$150 (includes recording costs)

Only certified check or money order made payable to "Board of County Commissioners" can be accepted.

### **XIX. INFILL HOUSING PROGRAM CONTACT INFORMATION**

Public Housing and Community Development  
Infill Housing Program  
701 NW 1<sup>st</sup> Court, 16<sup>th</sup> Floor  
Miami, FL 33136  
Main Number: (786) 469-4226  
Fax Number: (786) 469-4199  
[www.miamidade.gov/housing](http://www.miamidade.gov/housing)